

REMARKS

Claims 1-15, 17-20, 35-50, and 52-56 are pending in the present application.

In the above amendments, claims 1, 12, 35, and 52 have been amended, and claims 16, 21-34, 51, and 57 have been canceled without prejudice.

Applicant respectfully responds to this Office Action.

Accompanying this response is a "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" along with the requisite fees.

Drawings

Figures 1 and 2 were objected to for failing to include a legend such as "Prior Art" because only that which is old is illustrated.

Applicant respectfully requests that the examiner withdraw these drawing objections for the following reasons. As described in the "Brief Description of the Drawings" section of the specification, Figs. 1 and 2 depict exemplary structures in accordance with various embodiments of this invention. Also, in the specification, Figs. 1 and 2 are described in conjunction with various aspects of the invention. Therefore, since Figs. 1 and 2 should not be viewed in isolation but rather within the context of the various aspects of the invention, it is respectfully requested that the drawing objections be withdrawn.

Specification

Applicant provides herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicant believes these changes add no new matter to the application and are fully supported by the original disclosure.

Claim Objections & Claim Rejections – 35 USC § 112

Claims 16, 51 and 57 are objected to and are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Applicant has canceled these claims thereby rendering these objections and rejections moot.

Claim Rejections – 35 USC § 102

Claims 1, 3, 5-6, 21, 33 and 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Natarajan, U.S. Patent No. 6,597,913 (Natarajan).

With reference to independent claims 1 and 35, it is respectfully submitted that Natarajan does not teach nor suggest certain claimed features.

In particular, Natarajan does not teach nor suggest the claimed features of “the processing subsystem is configured to identify in the issued grant a specific service class for which the grant is issued, the specific service class associated with data to be transmitted on a reverse link from the mobile station to the base station” (emphasis added) as now claimed in independent claim 1 and similarly claimed in independent claim 35.

It is respectfully submitted that dependent claims 3, 5-6, and 36 are allowable for at least the reasons given above for independent claims 1 and 35, from which they respectively depend.

Since claims 21 and 33 have been canceled, these rejections are now deemed moot.

Claim Rejections – 35 USC § 103

A. Claims 4, 12, 16, 19, 24, 27 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of U.S. Patent Application Publication No. 2002/0183039 to Padgett et al. (Padgett).

With reference to independent claim 12, it is respectfully submitted that neither Natarajan nor Padgett, collectively or individually, teaches or suggests the claimed features of “the one

available class of service associated with data to be transmitted on a reverse link from the mobile station to the base station" (emphasis added) as now claimed.

As recognized by the examiner, Natarajan does not at least teach the claimed features of "the request ... specifies one of a set of available classes of service." The examiner then relies upon Padgett to cure this deficiency of Natarajan, see page 9 of the office action.

Padgett teaches in paragraph no. 0018 (lines 16+) that "the mobile sends an HSD service request on the uplink of the underlying wireless system. Embedded in that request may be ... (3) information about the message length and service class." Later in that same paragraph, Padgett teaches "the base station may transmit the HSD packet at the highest rate the mobile can reliably receive based on its SINR." Therefore, Padgett teaches that the service class is associated with data on a downlink (also known as forward link) from the base station to the mobile and not "associated with data to be transmitted on a reverse link from the mobile station to the base station" as now explicitly required by claim 12.

It is respectfully submitted that the above pending dependent claims are allowable for at least the reasons given above for their respective independent claims, from which they respectively depend.

B. Claims 2, 7, 9, 11, 22-23, 28-30, 34, 37-38, 40, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of U.S. Patent Application Publication No. 2004/0228349 to Vrzic et al. (Vrzic).

It is respectfully submitted that the above pending dependent claims are allowable for at least the reasons given above for their respective independent claims, from which they respectively depend.

C. Claims 46-48, 51-54, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan and further in view of Padgett and Vrzic.

With reference to independent claim 52, it is respectfully submitted that neither Natarajan, Padgett, nor Vrzic, collectively or individually, teaches or suggests the claimed

features of “if a grant corresponding to the request is issued by the base station, transmitting data on a reverse link to the base station in the specified class according to the received grant” (emphasis added) as now claimed.

As explained above, neither Natarajan nor Padgett teaches “transmitting data on a reverse link to the base station in the specified class according to the received grant” as claimed in claim 52. Vrzic does not cure these deficiencies of Natarajan and Padgett.

It is respectfully submitted that the above pending dependent claims are allowable for at least the reasons given above for their respective independent claims, from which they respectively depend.

D. Claims 8, 10, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Vrzic and further in view of Padgett.

It is respectfully submitted that the above pending dependent claims are allowable for at least the reasons given above for their respective independent claims, from which they respectively depend.

E. Claims 13-15, 20, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Padgett and further in view of Vrzic.

It is respectfully submitted that the above pending dependent claims are allowable for at least the reasons given above for their respective independent claims, from which they respectively depend.

Double Patenting

Claims 1-57 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-85 of co-pending Application No. 10/646,955.

It is respectfully requested that the examiner withdraw this rejection in light of the amendments made herein to independent claims 1, 12, 35, and 52.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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